

## Contingency Planning For State Operations

Office of Superintendent of Public Instruction

6/17/2013

| Title of Program      | Category  | Statute requiring services  | Approximation of Staff needed to carry out services | Other Comments   |
|-----------------------|---|---|---|--|
| Special Education     | 3. Services to continue based on constitutional mandates and federal law. | There are at least 3 cites applicable to special education: 34 CFR 300.1, 34 CFR 300.101 and CFR 300.500. CFR 300.1 includes the general provisions of state responsibility regarding special education which include the provision of free appropriate public education (FAPE) and procedural safeguards. 34 CFR 300.101 is the specific regulation regarding FAPE, and CFR 300.500 includes the procedural safeguards with corresponding timelines. | 2.0 FTE   | To meet federal statutory requirements.  |
| Teacher Certification | 2. Services that do not require an appropriation.                         |   | 12.6 FTE  | Includes 12.4 FTE certification program staff and .2 FTE for fiscal support to collect and deposit certification revenues.   |
| Network Operations    | 3. Services to continue based on constitutional mandates and federal law. | The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. This law requires OSPI to keep student data secure.  | .05 FTE   | Daily onsite work includes rotating our tape backups, replacing equipment that is failing, restarting server and network software, checking security logs for intrusions, patching software and hardware, etc. |

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|--------------------------|---|---|------------------|---|
| Child Nutrition Programs | <p>2. Services that do not require an appropriation.</p> <p>3. Services to continue based on constitutional mandates and federal law.</p> | <p>The Healthy, Hunger Free Kids Act of 2010 (42 U.S.C. § 1760(b); 7 CFR 235.6(i)) is a Federal law that requires OSPI to support full use of Federal funds provided for the administration of Child Nutrition Programs, and to exclude such funds from State budget restrictions or limitations including hiring freezes, work furloughs, and travel restrictions.</p> <p>The Richard B. Russell National School Lunch Act (42 U.S.C. § 1776) provides that “funds paid to any State under this section shall be disbursed to eligible institutions by the state under agreements approved by the Secretary. Disbursements to any institution shall be made only for the purpose of assisting in providing meals to children attending institutions, or in family or group day care homes. Disbursement to any institution shall not be dependent upon the collection of moneys from participating children. All valid claims from such institutions shall be paid within forty-five days of receipt by the State. The State shall notify the institution with fifteen days of receipt of a claim if the claim as submitted is not valid because it is incomplete or incorrect.”</p> <p>The Act also describes specific dates that advance payment must be paid for the summer food program. These are June 1st, July 15th, and August 15th.</p> | 40.5 FTE         | Includes 12.8 FTE to support programs paid for with non-appropriated funds, and 27.7 for appropriated Child Nutrition programs.   |
| Building Operations      | 3. Services to continue based on constitutional mandates and federal law.   |   | Staff on standby | Someone to unlock and lock up the building, tend to building emergencies and receive and disseminate child nutrition invoices for payment from the non-appropriated accounts.                                   |
| Payroll                  | 3. Services to continue based on constitutional mandates and federal law.   |   | .1 FTE           | Payment of non-appropriated and essential tasks only. Does not include processing time for July 10th payroll.   |
| General Apportionment    | 3. Services to continue based on constitutional mandates and federal law.   |   | .26 FTE          | It is unclear as to whether the Superintendent has the constitutional authority to process apportionment payments to districts without appropriation authority. This question is under review by legal counsel. |